

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

August 25, 2006

PSF:06od-139

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Oahu

Consent to Assign General Lease No. S-4899, Applicants Ronald K. Lopes, Assignor, to Ronald Keelikolanimaluhiakeao Lopes, Cindy Keonaonaokapuakakahiaka Lopes Torres and Darren Kealii Lopes, Assignees, Maunalaha Homesites, Maunalaha, Honolulu, Oahu, TMK: (1) 2-5-24:32.

APPLICANT:

Ronald K. Lopes, Assignor, to Ronald Keelikolanimaluhiakeao Lopes, Cindy Keonaonaokapuakakahiaka Lopes Torres and Darren Kealii Lopes, Assignees, as joint tenants, whose mailing address is 2427 Maunalaha Road, Honolulu, Hawaii 96822.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION AND AREA:

Portion of government lands of Makiki situated at Maunalaha Homesites, Maunalaha, Honolulu, Oahu, identified as Lot 7 and by Tax Map Key: (1) 2-5-24:32, consisting of approximately 0.35 acres, as shown on the attached map labeled Exhibit A.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES \_\_\_\_\_ NO   x  

CHARACTER OF USE:

Residential purposes as the Lessee's principle domicile.

TERM OF LEASE:

65 years, commencing on December 1, 1983, and expiring on November 30, 2048.

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LEASE RENTAL:

\$120.00 per annum, due semi-annually.

DCCA VERIFICATION: Not required for individuals.

APPLICANT REQUIREMENTS:

Sign statement agreeing to abide by and to be bound by the terms, conditions and covenants of the subject lease agreement.

REMARKS:

The Maunalaha Valley direct leases came about as a result of Act 225, SLH 1981, which authorizes the Department of Land and Natural Resources to negotiate and enter into long-term residential leases with persons who meet the following criteria, as approved at the Land Board's meeting on August 12, 1983, agenda item F-14:

1. At the time of enactment of the Act, reside on a parcel or parcels of land in tax map keys (1) 2-5-19 and 2-5-20, or have permits allowing them to reside on such land, or are descendants of persons who lawfully resided on such land before 1920;
2. Have built homes on such land for use as their own residence prior to 1940, pursuant to government authority; and
3. Can prove that the various governments of Hawaii have expressed an intent to grant them long-term tenure.

A list of approved tenants was included in said Board submittal that included David Keau Moses.

General Lease No. S-4899 allows assignments with prior Board approval if:

1. The proposed assignee or transferee meets the eligibility criteria set out in Section 2 of Act 225, SLH 1981, or is a descendant or heir, consanguineous or affined, of the assignor or transferor; and
2. The proposed assignee or transferee shall agree in writing, as a condition precedent, to abide by and to be bound by the terms, conditions and covenants of the subject lease agreement.

The lease was first issued to David Keau Moses in 1983. The Board approved the consent to assignment from David K. Moses to Ronald K. Lopes (the name as it appears on the assignment document), his grandson, at its March 24, 1988 meeting under agenda item F-1-a.

Ronald K. Lopes now wishes to include his sister and brother on his lease, both of whom are eligible for this lease under Act 225, SLH 1981.

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The lessee does not have a dwelling on the lease site as the topography is steep and the soil is described as cinder land in the USDA Soil Conservation Service publication. This makes house construction difficult and Round Top Drive above the site is currently unstable. (The City and County of Honolulu and the State of Hawaii are jointly making improvements to Round Top Drive, which is directly above Mr. Lopes lease site. The end result of this road improvement work may allow for construction of a dwelling.)

The lessee is current with his rent until November 30, 2007 and the liability insurance is current until March 21, 2007. There was a Notice of Default letter mailed during the past two years for expired insurance. There was a forfeiture request submitted to the Board that was deferred at the November 18, 2005 meeting. Then there was a resubmittal on March 10, 2006 when the Board amended the forfeiture request by allowing an additional 60 days to cure the default. The insurance coverage was provided within that 60 day period.

The Assignee has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

No agency or community comments were solicited. Office of Conservation and Coastal Lands (OCCL) was not contacted because there is no dwelling at present. Other lessee requests for Board action may be delayed or will include comments from OCCL as some dwellings may not have been built with the necessary permits.

RECOMMENDATION:

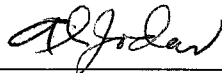
That the Board consent to the assignment of General Lease No. S-4899 from Ronald K. Lopes, as Assignor, to Ronald Keelikolanimaluhiakeao Lopes, Cindy Keonaonakapuakakahiaka Lopes Torres and Darren Kealii Lopes, Assignees, subject to the following:

1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the

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Chairperson to best serve the interests of the State.

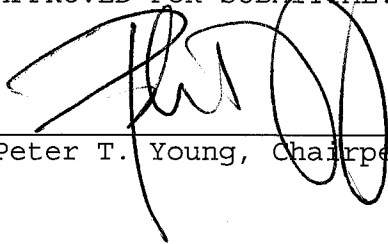
Respectfully Submitted,



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Al Jodar  
Land Agent

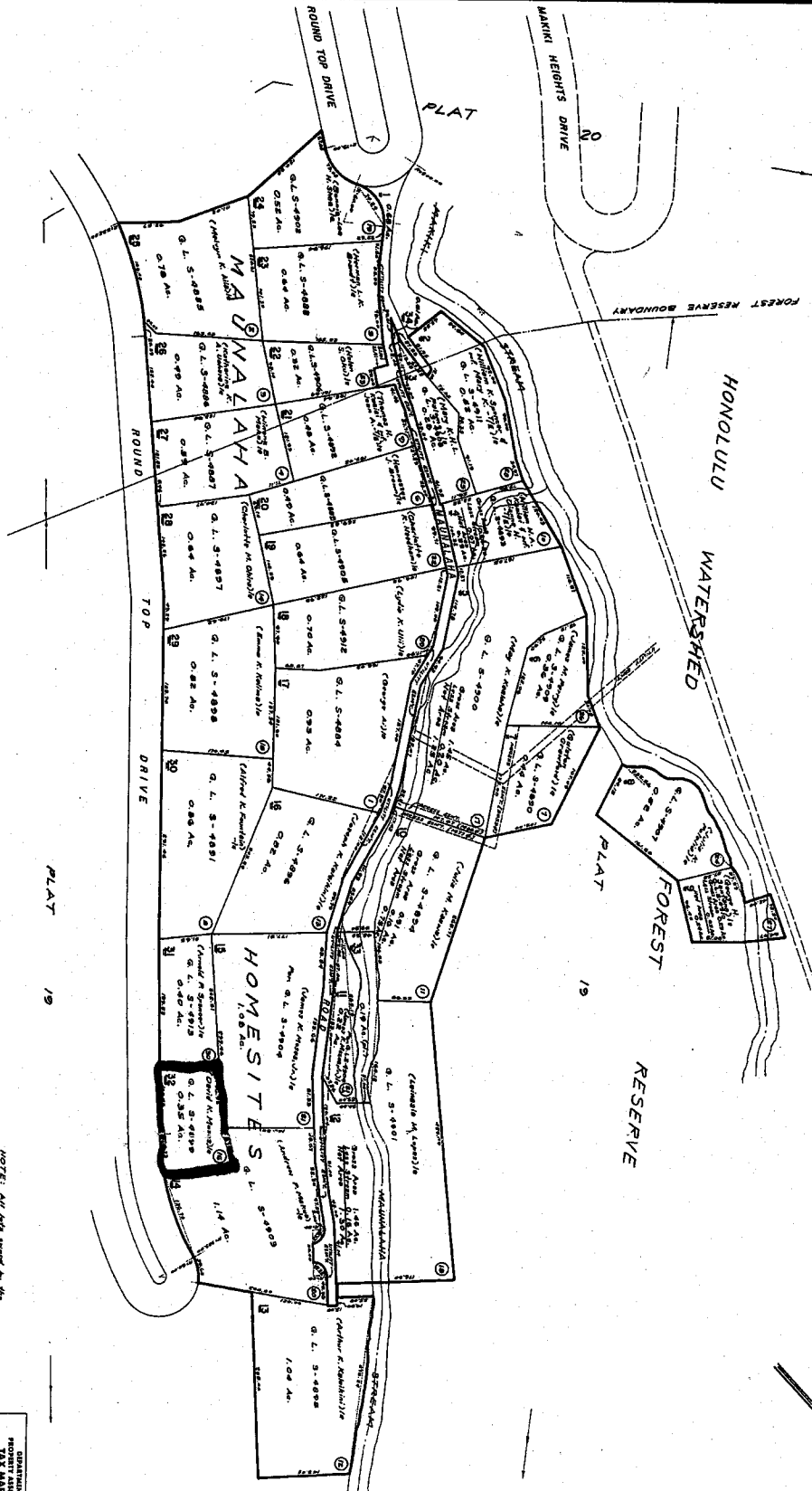
APPROVED FOR SUBMITTAL:



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Peter T. Young, Chairperson

MAKINI & TANTALUS, OAHU, HAWAII, "MAUNALAHUA HOMESITES" (PAR. 2-6-19 & 20)



NOTE: All lots shown by the State of Hawaii, subject to the provisions of the Act.

FOR PROPERTY ASSESSMENT PURPOSES  
SUBJECT TO CHANGE

|                       |    |
|-----------------------|----|
| DEPARTMENT OF FINANCE |    |
| TAX MAPS SECTION      |    |
| TAX MAP               |    |
| DATE                  | 2  |
| TIME                  | 5  |
| BY                    | 24 |

EXHIBIT "A"